

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

REGGIE WILBURN

PLAINTIFF

V.

CIVIL ACTION NO. 4:22-CV-00056-DAS

SHAWN WORD

DEFENDANT

ORDER

This matter comes before the Court on the *pro se* Plaintiff's motions [35], [38], [39], [40] to reconsider the Court's November 17, 2022 Memorandum Opinion and Order and Final Judgment dismissing Plaintiff's remaining claim(s) under Section 1983 against Defendant Shawn Word. *See* Doc. #s 28, 29. While Plaintiff has styled each of these motions differently,¹ the nature of these motions are all the same—he is aggrieved by the Court's dismissal of his case and wishes for a different outcome.

As such, the Court interprets the motions, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as motions to reconsider the aforementioned opinion and order and final judgment. Because Plaintiff's motions were filed within twenty-eight (28) days of the entry of judgment, the Court construes these motions as motions to alter or amend a judgment under Rule 59(e) of the Federal Rules of Civil Procedure.

An order granting relief under Rule 59(e) is appropriate when: (1) there has been an intervening change in the controlling law, (2) where the movant presents newly discovered evidence that was previously unavailable, or (3) to correct a manifest error of law or fact.

Schiller v. Physicians Res. Grp. Inc., 342 F.3d 563, 567 (5th Cir. 2003). Plaintiff has neither

¹ Plaintiff styles Doc. # 35 as a "Motion to reopen all motion that was denied as moot issued by this Court November 17, 2022"; Doc. # 38 as a "Motion to clarify the court not holding a spear hearing or even setting a date before giving a final judgment . . ."; Doc. # 39 as a "Motion to Arrest Docket # 28, # 29 Memorandum Opinion and Order and Final Judgment . . ."; and Doc. # 40 as a "Motion to Amend to motion to arrest final judgment on the Law, to clarify claim against OCJ Jail Administrator Shawn Word . . .".

asserted nor proven any of the justifications to amend a judgment under Fed. R. Civ. P. 59(e).

Accordingly, the Court finds that the instant motions [35], [38], [39], [40] are not well-taken, and are, therefore, **DENIED**.

SO ORDERED, this the 2nd day of December, 2022.

/s/ David A. Sanders

DAVID A. SANDERS

UNITED STATES MAGISTRATE JUDGE